

REMARKS/ARGUMENTS

Claims 14-24 and 31 are pending. By this Amendment, claims 14, 18 and 31 are amended, and claims 28-30 are canceled. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

Claims 28 and 30 were rejected under 35 U.S.C. §112, second and fourth paragraphs. This rejection is respectfully traversed in view of the cancellation of claims 28 and 30.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 14,15, 18 and 19 were rejected under 35 U.S.C. §102(b) over Born. Claims 14 is directed to a method of enhancing safety of a stairlift installation comprising a rail extending between upper and lower ends of the staircase, a carriage movable along the rail, and carriage call switches positioned and manually operable remote from the carriage so that the carriage can be displaced along the rail from positions remote from said carriage. The method comprises providing a proximity sensor to disable the carriage call switches when a person is proximate the carriage.

Claim 18 is directed to a stairlift assembly comprising a rail extending between upper and lower ends of a staircase, a carriage movable along the rail, and carriage call switches positioned and manually movable remote from the carriage whereby the carriage may be displaced along the rail from positions remote from said carriage. The assembly comprises a proximity sensor to sense the proximity of a person to the carriage and to render the carriage call switches inoperative in response to sensing the proximity of the person.

Born does not teach or disclose this subject matter. For example, Born does not teach or suggest carriage call switches remote from the carriage. Born teaches a load support platform 19 which is the only item equivalent to the claimed carriage. The load support platform 19 only

moves under the control of control box 108 which is mounted on and moves with the load support platform. In paragraph 11 of the Office Action, the Examiner refers to the electrical control system mounted in control box 90 remote from the carriage. However, the contents of box 90 are not manually operable to displace the carriage along the rail from positions remote from said carriage. Moreover, Born does not teach or suggest a method that includes providing a proximity sensor to disable the carriage call switches when a person is proximate the carriage (claim 14), or a proximity sensor to sense the proximity of a person to the carriage and to render the carriage call switches inoperative in response to sensing the proximity of the person (claim 18). Born teaches no relationship between a proximity sensor and the disabling of call switches, as claimed.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 14-16 and 18-22 were rejected under 35 U.S.C. §103(a) over Muranaka in view of Born. This rejection is respectfully traversed.

Neither Muranaka nor Born describe or suggest the use of manually operated call switches, positioned remote from the carriage, to allow the carriage to be displaced along the rail from positions remote from the carriage. In both Muranaka and Born, the carriage can only be displaced along the rail by operation of controls mounted on the carriage.

As submitted in Applicants' prior response, neither Muranaka nor Born, either individually or in combination, addresses the problem addressed by the present disclosure as set out above. The landing-base switches 6 of Muranaka are "emergency stop switches" and not calling switches which enable the stairlift carriage to be called from the remote position. Further, while the sensor mats of Born act in response to a person approaching the stairlift, their only function is to stop the carriage when in motion. The present disclosure is not concerned

with stopping a stairlift carriage which is already moving – it is concerned with preventing the carriage from setting off when a remote user is attempting to call the carriage to the user's location, which remote user may be unable to see the carriage or unable to determine whether another user is attempting to board the carriage.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 17 and 23 were rejected under 35 U.S.C. §103(a) over Muranaka in view of Born and further in view of Tremblay. This rejection is respectfully traversed given that each of claims 17 and 23 depend from claim 14 or 18, and are patentable by virtue of that dependency, in addition to the further features they recite.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claim 24 was rejected under 35 U.S.C. §103(a) over Born. Claim 24 is dependent on claim 18, and is patentable by virtue of that dependency.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 28 and 29 were rejected under 35 U.S.C. §103(a) over Johansson in view of Born. Claims 28 and 29 have been canceled by this Amendment. To the extent that the Johansson/Born combination rejection applies to claims 14 and 18 as amended herein, Applicants respectfully traverse in that neither Johansson nor Born teaches or suggests a proximity sensor to disable the carriage call switch when a person is proximate the carriage. While Johansson discloses a call switch, there is no teaching of disabling that call switch if another user is proximate the carriage. Specifically, there is no teaching or suggestion to use the sensor mats of Born to disable the call switches of Johansson. Any such suggestion to combine these teachings is based on impermissible hindsight, which is not the proper foundation for a *prima facie* case for obviousness.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 30 and 31 were rejected under 35 U.S.C. §103(a) over Carlsen in view of Born. However, neither Carlsen nor Born suggest the claimed remote manually operated calling switches that can be disabled by use of a proximity detector.

Reconsideration and withdrawal of the rejection are respectfully requested.

In view of the above amendments and remarks, Applicants respectfully submit that all the claims are patentable and that the entire application is in condition for allowance.

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140 under Order No. PTB-5091-9.

Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, he is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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